

VZCZCXRO2245
PP RUEHAG RUEHROV
DE RUEHFR #4723/01 3481623
ZNY CCCCC ZZH
P 141623Z DEC 07
FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC PRIORITY 1495
RUCPDO/USDOC WASHDC PRIORITY
RHEHAAA/WHITE HOUSE WASHDC PRIORITY
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHGV/USMISSION GENEVA 2786

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 004723

SIPDIS

USTR FOR SUSAN SCHWAB
DEPARTMENT FOR E - REUBEN JEFFERY AND EB - DAN SULLIVAN
FROM AMBASSADOR STAPLETON

SIPDIS

E.O. 12958: DECL: 12/14/2017
TAGS: [ECON](#) [ETRD](#) [EAGR](#) [PGOV](#) [SENV](#) [FR](#)

SUBJECT: FRANCE AND THE WTO AG BIOTECH CASE

REF: A)PARIS 5364, B)PARIS 4255, C)PARIS 4170, D)PARIS 3970, E)PARIS
3967, F)PARIS 3853, G)PARIS 3429, H)PARIS 3399, I)PARIS 3429

Classified by Ambassador Craig Stapleton; reasons 1.4 (b), (d) and (e).

11. (C) Summary: Mission Paris recommends that that the USG reinforce our negotiating position with the EU on agricultural biotechnology by publishing a retaliation list when the extend "Reasonable Time Period" expires. In our view, Europe is moving backwards not forwards on this issue with France playing a leading role, along with Austria, Italy and even the Commission. In France, the "Grenelle" environment process is being implemented to circumvent science-based decisions in favor of an assessment of the "common interest." Combined with the precautionary principle, this is a precedent with implications far beyond MON-810 BT corn cultivation. Moving to retaliation will make clear that the current path has real costs to EU interests and could help strengthen European pro-biotech voices. In fact, the pro-biotech side in France -- including within the farm union -- have told us retaliation is the only way to begin to begin to turn this issue in France. End Summary.

12. (C) This is not just a bilateral concern. France will play a leading role in renewed European consideration of the acceptance of agricultural biotechnology and its approach toward environmental regulation more generally. France expects to lead EU member states on this issue during the Slovene presidency beginning in January and through its own Presidency in the second half of the year. Our contacts have made clear that they will seek to expand French national policy to a EU-wide level and they believe that they are in the vanguard of European public opinion in turning back GMO's. They have noted that the member states have been unwilling to support the Commission on sanctioning Austria's illegal national ban. The GOF sees the ten year review of the Commission's authorization of MON 810 as a key opportunity and a review of the EFSA process to take into account societal preferences as another (reftels).

13. (C) One of the key outcomes of the "Grenelle" was the decision to suspend MON 810 cultivation in France. Just as damaging is the GOF's apparent recommitment to the "precautionary principle." Sarkozy publicly rejected a recommendation of the Attali Commission (to review France's competitiveness) to move away from this principle, which was added to the French constitution under Chirac.

14. (C) France's new "High Authority" on agricultural biotech is designed to roll back established science-based decision making. The recently formed authority is divided into two colleges, a scientific college and a second group including civil society and social scientists to assess the "common interest" of France. The authority's first task is to review MON 810. In the meantime,

however, the draft biotech law submitted to the National Assembly and the Senate for urgent consideration, could make any biotech planting impossible in practical terms. The law would make farmers and seed companies legally liable for pollen drift and sets the stage for inordinately large cropping distances. The publication of a registry identifying cultivation of GMOs at the parcel level may be the most significant measure given the propensity for activists to destroy GMO crops in the field.

15. (C) Both the GOF and the Commission have suggested that their respective actions should not alarm us since they are only cultivation rather than import bans. We see the cultivation ban as a first step, at least by anti-GMO advocates, who will move next to ban or further restrict imports. (The environment minister's top aide told us that people have a right not to buy meat raised on biotech feed, even though she acknowledged there was no possible scientific basis for a feed based distinction.) Further, we should not be prepared to cede on cultivation because of our considerable planting seed business in Europe and because farmers, once they have had experience with biotech, become its staunchest supporters.

16. Country team Paris recommends that we calibrate a target retaliation list that causes some pain across the EU since this is a collective responsibility, but that also focuses in part on the worst culprits. The list should be measured rather than vicious and must be sustainable over the long term, since we should not expect an early victory.

17. (C) President Sarkozy noted in his address in Washington to the Joint Session of Congress that France and the United States are "allies but not aligned." Our cooperation with France on a range of issues should continue alongside our engagement with France and the EU on ag biotech (and the next generation of environmental related trade concerns.) We can manage both at the same time and should not let one set of priorities detract from the other.

PARIS 00004723 002 OF 002

Stapleton